

MINUTES OF MEETING
RUSH RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
NOVEMBER 4, 2010

The Rush River Water Resource District met on November 4, 2010, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Raymond Wolfer, Chairman; William A. Hejl, Manager; Keith Monson, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Kimberly Bomstad, Accounting Tech/Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Chad Engels and Josh Hussell, Engineers for the Board; Rich Sieg, Cass County Highway Department Superintendent and those whose names appear on the attached roster.

Drainage complaints from Amenia Township against Gerald Grieger, Jim Brown and Jeff Herr in Section 5 of Amenia Township and against Rodney Nelson and Bradley Nelson in the NW 1/4 and NE 1/4 of Section 8 in Amenia Township

Lloyd Knight said the township filed the complaints to get assistance from the Water Resource District. He believes work has been done outside of the 33 feet of township right-of-way. He is also concerned about how the new drainage would affect the drop structure downstream. The drop structures are located at the SE 1/4 of Section 18, north of the river and the NE 1/4 of Section 20.

There is an increase of four square miles with the new drainage. Chairman Wolfer said if water overflows the drop structure, some of the water would go east but most would go south. If the drop structures were replaced they would be larger than they are now and the road crossings would also be increased.

Rodney Nelson said he cleaned the ditch along the east side of Section 8 in Amenia Township, but he did not put the ditch to grade. He set the laser at the half mile line, north to the culvert in the northeast corner of the section. He said black dirt was removed from the road side and clay was removed from the field side of the ditch. Josh Hussell said Mr. Nelson removed up to a foot of material from the ditch. Water is still running there.

Manager Hejl pointed out that a permit is required if a ditch is deepened or widened. Sean Fredricks reviewed statute N.D.C.C. § 24-06-26.3.

After extensive discussion, the Board directed Mr. Nelson to work with the Water Resource District Engineer to install a ditch block in the northeast corner of Section 8, so the ditch will function as it did before it was altered, and to obtain a permit for the drainage.

Mr. Knight indicated he would be agreeable, provided the ditch block holds. All present agreed. Chairman Wolfer said it would be a good policy that no more drainage is done until this issue is resolved. Manager Hejl pointed out that today's actions do not prevent Amenias Township from working with Mr. Nelson on the matter. Chairman Wolfer suggested forming legal drains to properly handle this matter.

Drain #67 assessment issues

The assessment for Drain #67 on the SE 1/4 of Section 15 of Raymond Township was discussed. The Board will wait to hear from the property owner on the matter.

Drain #67 – culvert issues

It was moved by Manager Hejl and seconded by Manager Monson to grant permission for Raymond Wolfer to lower five pipe on Drain #67 in the SW 1/4 of Section 13 in Raymond Township. Upon roll call vote, the following Managers voted in favor: Hejl and Monson. Manager Wolfer abstained. Motion carried.

Brewer Lake inlet structure

Mr. Engels will get an estimate and send a letter to the North Dakota Game and Fish to see if they would pay for half of the cost to weld the pipe on the inlet structure at Brewer Lake.

Request from Jim Howe and Jim Nelson to repair the Texas crossing on the Rush River in the SW 1/4 of Section 4 in Harmony Township

The Board discussed the repair of the Texas crossing on the Rush River in the SW 1/4 of Section 4 in Harmony Township with Rich Seig, Cass County Highway Department. Mr. Seig indicated the Cass County Highway Department would not fund the project. It was moved by Manager Wolfer and seconded by Manager Hejl to authorize Jim Howe and Jim Nelson to hire a contractor to repair the Texas crossing on the Rush River in the SW 1/4 of Section 4 in Harmony Township and to offer up to \$5,000 cost share, provided the project is constructed under the supervision of Moore Engineering, Inc. Upon roll call vote, the motion carried unanimously.

Rush River breakouts

Manager Hejl was approached about breakouts on the Rush River. Manager Hejl told the property owner that the Rush River Water Resource District would not participate because there is no design berm height.

Beaver on the Rush River in Section 32 of Rush River Township

The Board directed the Secretary-Treasurer to contact Jarrett Christoferson about problems with beaver on the Rush River in Section 32 of Rush River Township.

Rush River Watershed Detention Site Study – State Water Commission cost participation agreement

It was moved by Manager Hejl and seconded by Manager Monson to authorize the Chairman to sign the State Water Commission cost participation agreement for the Rush River Watershed Detention Site Study. Upon roll call vote, the motion carried unanimously.

Utility Permit for Qwest Corporation to install buried telephone cable across the natural channel in Section 30 of Harwood Township, just west of 168th Avenue SE

It was moved by Manager Monson and seconded by Manager Hejl to approve the *Utility Permit* for Qwest Corporation to install buried telephone cable across the natural channel in Section 30 of Harwood Township, just west of 168th Avenue SE. Upon roll call vote, the motion carried unanimously.

Minutes

It was moved by Manager Monson and seconded by Manager Hejl to approve the minutes of the October 11, 2010, meeting. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Hejl and seconded by Manager Monson to approve payment of Checks #3467 through #3473 and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Wolfer, Hejl and Monson. The Chairman declared the motion passed.

Ring Dike Cooperation Agreement with Kevin Heiden

It was moved by Manager Hejl and seconded by Manager Monson to approve the Ring Dike Cooperation Agreement with Kevin Heiden. Upon roll call vote, the motion carried unanimously.

Rush River Snagging and Clearing

The Board discussed snagging and clearing on the Rush River. Manager Hejl said he would like the project to start in Section 19 of Rush River Township and work up to the federal project. The Board directed Moore Engineering, Inc. to obtain an estimate from American Enterprises, Inc.

Manager Monson left the meeting at this time.

Rush River Watershed Detention Site Study

The Board discussed the Rush River Watershed Detention Site Study.

Adjournment

There being no further business to be considered by the Board, the meeting adjourned without objection.

APPROVED:

Raymond Wolfer
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer